

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DONALD COLE BURCHETT,

Petitioner,

vs.

OZZIE D. KNEZOVICH,

Respondent.

NO. CV-08-045-JLQ

ORDER DENYING MOTION FOR
RECONSIDERATION

By Order entered July 15, 2008, the court dismissed Mr. Burchett's First Amended Petition without prejudice for failure to exhaust. Judgment was entered. On July 21, 2008, the court received a copy of the First Amended Petition on which Mr. Burchett re-dated it July 17, 2008, and re-signed his name. Because Mr. Burchett is proceeding *pro se* and *in forma pauperis* the court liberally construed this document as a Motion for Reconsideration (Ct. Rec. 13).

Motions for reconsideration serve a limited function. "[T]he major grounds that justify reconsideration involve an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." *Pyramid Lake Paiute Tribe v. Hodel*, 882 F.2d 364, 369 n.5 (9th Cir. 1989). Such motions are not the proper vehicle for offering evidence or theories of law that were available to the party at the time of the initial ruling. *Fay Corp. v. Bat Holdings I, Inc.*,

1 651 F.Supp. 307, 309 (W.D. Wash. 1987).

2 In the instant case, Petitioner does not allege there has been an intervening change
3 of controlling law. Likewise, he does not offer newly discovered evidence that would
4 justify this court taking a second look at the issue in question. Thus, the only remaining
5 question is whether the court should alter its prior ruling in order to “correct a clear error
6 or prevent manifest injustice.” *Pyramid Lake*, 882 F.2d at 369 n.5. The court has already
7 explained to Petitioner that he needs to pursue his claims regarding the requirement he
8 register as a sex offender through the state courts of Washington before pursuing a
9 petition for writ of habeas corpus in federal court. Accordingly, **IT IS ORDERED**
10 Plaintiff’s Motion for Reconsideration (Ct. Rec. 13) is **DENIED**. .

11 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
12 Order, forward a copy to Petitioner, and close the file.

13 **DATED** this 24th day of July 2008.

14 s/ Justin L. Quackenbush
15 JUSTIN L. QUACKENBUSH
16 SENIOR UNITED STATES DISTRICT JUDGE
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